

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TRACY ANN JENISH,

Plaintiff,

CASE NO. 05-73648

vs.

HONORABLE GEORGE CARAM STEEH
HONORABLE STEVEN D. PEPE

MONARCH VELO LLC, d/b/a
CATLIKE USA, a Texas
corporation, THE KREB
CYCLE, a New York corporation,
and CATLIKE SPORT COMPONENTS
SL, a Spanish corporation,

Defendants.

**ORDER GRANTING IN PART DEFENDANTS' MOTION TO COMPEL
INDEPENDENT MEDICAL EXAMINATION (DKT. #32)**

On December 21, 2006, Defendants filed their motion to compel an independent medical examination in which they seek Plaintiff to submit to a neuropsychological examination conducted by their expert in the Eastern District of Michigan (Dkt. #32). Plaintiff previously lived in Ann Arbor, MI, and filed this law suit in this district. But for work, she and her two year old child moved to Philadelphia last June. While Plaintiff has agreed to submit to the examination, she contends that Defendants should be required to pay Plaintiff's expenses, including travel and child care, in order for her to travel to Michigan for the examination (Dkt. #36). Defendants' motion was referred for hearing and determination pursuant to 28 U.S.C. § 636 (b)(1)(A). A telephonic hearing was held on January 25, 2007, in which Defendant's unresolved issues were addressed. For reasons stated on the record and indicated below **IT IS**

ORDERED THAT:

1. Defendants' selected expert may conduct a psychiatric evaluation of Plaintiff in the Eastern District of Michigan.

2. The parties shall share the costs equally for transportation and lodging expenses incurred in Plaintiff traveling to and from this district for the examination. Plaintiff shall provide itemized statements to Defendants of all costs associated with this trip. Defendants are not required to pay for any child care.

The parties to this action may object to and seek review of this Order, but are required to file any objections within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

SO ORDERED.

Date: January 25, 2007
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2007, I electronically filed the foregoing paper with the Clerk Court using the ECF system which will send electronic notification to the following: Matthew A. Brauer; Lawrence S. Katkowsky, and I hereby certify that I have mailed United States Postal Service the paper to the following non-ECF participants: not applicable

s/ Ruth A. Brissaud
Ruth A. Brissaud
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